HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.P. No.15039 OF 2007

Between:

B.Nachiketh

. . .Petitioner

AND

The State of Andhra Pradesh, Hyderabad and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri Gopalakrishna Kalanidhi

Counsel for respondent No.4 : Shri T.S.Venkata Ramana

16th July, 2007

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PER G.S.SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayer:

> "I, therefore, pray that the Hon'ble Court may be pleased to issue a writ, order or orders more particularly one in the nature of writ of Mandamus declaring the action of respondents 1 to 3 in not taking stringent action against the 6th respondent such as not lodging complaints against the persons involved in Sections 378 to 462 I.P.C., 463 to 489 IPC in so far as damages caused to public properties, appropriate sections of law under Indian Railways Act, Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 (3 of 1984) and much less keeping mum in not recovering the amount equivalent to loss caused to respondents 4 and 5; action of the respondents 4 and 5 in not initiating any steps in coming out with appropriate legislation to crumble the culprits by inflicting heavy penalty (equivalent to damage) and also not arranging replacement of transport buses/bogies in place of burnt/damaged ones, setting example for the youth to target public transport system whenever they wished to discharge their ire on public issues; as amounting to highly arbitrary, illegal and unconstitutional."

After arguing the case for some time, Shri Gopalakrishna Kalanidhi, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to lodge complaint against respondent No.6 and its members and again seek intervention of the Court, if his grievance is not remedied.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty to the petitioner to lodge complaint before the competent authority and seek intervention of the Court on a future date, if the complaint is not attended to.

While disposing of the writ petition in the manner indicated above, we deem it proper to take cognizance of the statement made by the learned counsel appearing for South Central Railway that the railway administration has already lodged complaint at Government Railway Police, Warangal under Prevention of Damage to Public Property Act, 1984. We also hope and trust that the authorities entrusted with the task of maintaining and enforcing the law and order will take appropriate measures to bring the culprits before law so that they can be adequately punished and made to pay compensation for huge loss caused to the public property.

As a sequel to dismissal of the main petition as withdrawn, WPMP No.18939 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

16th July, 2007

C.V.NAGARJUNA REDDY, J

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